

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE HEMISPHERX BIOPHARMA,
INC. LITIGATION

CIVIL ACTION NO.: 09-CV-05262-PD

CLASS ACTION

**LEAD PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND PLAN OF ALLOCATION OF SETTLEMENT PROCEEDS; AND
AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES**

Lead Plaintiff, Hemispherx Investor Group, hereby moves for entry of the Order and Final Judgment in the form submitted herewith: (1) approving the Stipulation and Agreement of Settlement dated September 24, 2010 (the "Stipulation") and dismissing this action with prejudice, on the terms set forth in the Stipulation; (2) approving the Plan of Allocation of the settlement proceeds as set forth in the Notice of Pendency of Class Action and Proposed Settlement, Settlement Fairness Hearing, and Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses; and (3) awarding Lead Plaintiff's Co-Lead Counsel attorneys' fees and reimbursement of litigation expenses.

The facts and legal support for this Motion are set forth in the accompanying Memorandum of Law in Support of Lead Plaintiff's Motion for Final Approval of Class Action Settlement and Plan of Allocation of Settlement Proceeds; the Memorandum of Law in Support of Lead Counsel's Application for an Award of Attorneys' Fees and Reimbursement of Expenses, the Joint Declaration of Sherrie R. Savett and David A.P. Brower In Support of (1) Lead Plaintiff's Motion for Approval of Class Action Settlement, and Approval of the Plan of Allocation of Settlement Proceeds and (2) Co-Lead Counsel's Application For Attorneys' Fees

and Expenses, dated December 21, 2010, and the exhibits annexed thereto; the Stipulation and supporting exhibits; the papers and filings on record in this matter; and such additional evidence or argument as may be presented at the fairness hearing.

Dated: December 21, 2010

BERGER AND MONTAGUE, P.C.

By /s/ Sherrie R. Savett

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Counsel for Lead Plaintiff Hemispherx Investor
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CERTIFICATE OF SERVICE

I hereby certify that this Motion For (1) Final Approval Of Class Action Settlement And Plan Of Allocation Of Settlement Proceeds; And (2) Award Of Attorneys' Fees And Reimbursement Of Expenses and the memoranda of law and joint declaration in support thereof were filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and electronically mailed to those indicated as non-registered participants on December 21, 2010.

/s/ Sherrie R. Savett

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